**South Carolina General Assembly**

121st Session, 2015-2016

**H. 3990**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Rutherford

Document Path: l:\council\bills\nbd\11102cz15.docx

Companion/Similar bill(s): 650, 3973, 3991

Introduced in the House on April 16, 2015

Currently residing in the House Committee on **Judiciary**

Summary: Officer-involved shooting

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/16/2015 House Introduced and read first time ([House Journal‑page 14](file:///h:\HJ%20Archive\2015\04-16-15.docx))

4/16/2015 House Referred to Committee on **Judiciary** ([House Journal‑page 14](file:///h:\HJ%20Archive\2015\04-16-15.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3990&session=121&summary=B) at the website

**VERSIONS OF THIS BILL**

[4/16/2015](file:///p:\pprever\2015-16\3990_20150416.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 23‑3‑90 SO AS TO GRANT THE SOUTH CAROLINA LAW ENFORCEMENT DIVISION SPECIFIC AND EXCLUSIVE JURISDICTION AND AUTHORITY TO CONDUCT AN INVESTIGATION OF ALL OFFICER‑INVOLVED SHOOTINGS THAT RESULT, OR COULD HAVE RESULTED, IN BODILY INJURY OR DEATH, TO ALLOW FOR AN INVESTIGATION OF AN OFFICER‑INVOLVED SHOOTING TO BE COMPLETED BY A SEPARATE LAW ENFORCEMENT AGENCY IN CERTAIN CIRCUMSTANCES, TO ESTABLISH A PROTOCOL FOR EVIDENCE COLLECTION AND PROCESSING IN CERTAIN CIRCUMSTANCES, TO GRANT AN INVESTIGATING OFFICER THE SAME AUTHORITY AS HE WOULD HAVE IN HIS HOME JURISDICTION FOR THE DURATION OF THE INVESTIGATION, TO ESTABLISH A PROCEDURE FOR THE FORWARDING OF THE EVIDENCE TO THE ATTORNEY GENERAL UPON COMPLETION OF THE INVESTIGATION, AND TO ESTABLISH PENALTIES FOR THE FAILURE TO COMPLETE AN INDEPENDENT INVESTIGATION PURSUANT TO THE PROVISIONS OF THIS SECTION.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 1, Chapter 3, Title 23 of the 1976 Code is amended by adding:

“Section 23‑3‑90. (A) The South Carolina Law Enforcement Division shall have specific and exclusive jurisdiction and authority in the investigation of all officer‑involved shootings that result, or could have resulted, in bodily injury or death. However, if the officer is employed by the South Carolina Law Enforcement Division, the sheriff of the county in which the officer‑involved shooting occurred must investigate the officer‑involved shooting, regardless of whether the shooting occurred within an incorporated jurisdiction. If the sheriff of the county in which the officer‑involved shooting occurred does not employ a full‑time unit that regularly processes crime scenes and conducts forensic and criminal investigations, the sheriff must defer the investigation to a law enforcement agency that does employ a full‑time unit that regularly processes crime scenes and conducts forensic and criminal investigations and that possesses the expertise to conduct a proper death investigation.

(B) In the event an officer‑involved shooting occurs that includes both an employee of the South Carolina Law Enforcement division and the sheriff, or one of his deputies, of the county in which the officer‑involved shooting occurred, the solicitor of the county in which the officer‑involved shooting occurred must defer the investigation to a law enforcement agency that employs a unit that regularly processes crime scenes and conducts forensic and criminal investigations and that possesses the expertise to conduct a proper death investigation.

(C) When an officer‑involved shooting occurs that involves an officer who is employed by the South Carolina Law Enforcement Division all forensic evidence collected at the scene of the shooting must be submitted to and analyzed by an accredited state law enforcement laboratory outside the State of South Carolina.

(D) An officer, or officers, investigating an officer‑involved shooting pursuant to this section shall have the same authority as he has in his home jurisdiction, for the duration of such investigation.

(E) Upon completion, all investigations of officer‑involved shootings shall be forwarded to the Office of the Attorney General prior to the initiation or declination of any formal criminal action.

(F) A person who knowingly and wilfully violates the provisions of subsection (A) or (B) is subject to punishment as provided for in Section 8‑1‑80, even if the person’s authority extends beyond a single election or judicial district.”

SECTION 2. This act takes effect upon approval by the Governor.

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